United Nations CRC/C/SWE/CO/5

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the fifth periodic report of Sweden*

I. Introduction

1. The Committee considered the fifth periodic report of Sweden (CRC/C/SWE/5) at its 1936th and 1938th meetings (see CRC/C/SR.1936 and 1938), held on 13 and 14 January 2015, and adopted, at its 1983rd meeting, held on 30 January 2015, the concluding observations set out below.

2. The Committee welcomes the submission of the fifth periodic report of Sweden and the written replies to the list of issues (CRC/C/SWE/Q/5/Add.1), which provided a better understanding of the situation of children's rights in the State party. The Committee wishes to express its appreciation for the constructive dialogue held with the high-level, multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:

(a) The legislative changes made to the Swedish Social Services Act and the Care of Young Persons (Special Provisions) Act, in January 2013;[1]

(b) The amendments to the legislation on sexual crimes against children, in July 2013;[2]

(c) Protection against age discrimination in the Discrimination Act, strengthened by a legislative amendment to include more sectors of society, in January 2013;

(d) The Education Act of July 2011.

* Adopted by the Committee at its 68th session (12–30 January 2015).

[1] See CRC/C/SWE/Q/5/Add.1, para. 108.

[2] Ibid., para. 112.

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4. The Committee also notes with appreciation the State party's ratification of:

(a) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in June 2013;

(b) Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, in September 2012;

(c) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in June 2011;

(d) The Council of Europe Convention on Action against Trafficking in Human Beings, in May 2010.

5. The Committee also welcomes the following institutional and policy measures:

(a) The creation of the Commission against Anti-Gypsyism in March 2014;

(b) The National Action Plan against Trafficking, Exploitation and Sexual Abuse of Children for 2014 and 2015, of February 2014;

(c) The long-term strategy to promote equal rights and opportunities regardless of sexual orientation, gender identity or gender expression, of December 2013;

(d) The PRIO mental ill health action plan of May 2012;

(e) The strategy for Roma inclusion 2012–2032;

(f) The policy on democracy and human rights in development cooperation of 2012.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. **The Committee recommends that the State party take all the necessary measures to address those of its previous recommendations made upon the consideration in 2009 of the fourth periodic report of the State party (CRC/C/SWE/CO/4) that have not been implemented or insufficiently implemented and, in particular, those relating to the legal status in the State party of the Convention and its optional Protocols (see ibid., para. 10), asylum-seeking and refugee children (see CRC/C/SWE/CO/4, para. 61) and sexual exploitation, including child pornography (see ibid., para. 67).**

Legislation

7. The Committee takes note of the efforts made by the State party to address the Committee's previous concern at the continued lack of formal recognition of the Convention as Swedish law and, in particular, of the information provided in its written replies that an inquiry had been set up in March 2013 to analyse how the application of laws and other regulations complied with the Convention.

8. **The Committee urges the State party to accelerate the inquiry set up in March 2013 and take all the necessary measures to bring national legislation into full**

conformity with the Convention, and that the Convention should always prevail when provisions of domestic law conflict with the Convention.

Allocation of resources

9. The Committee notes with concern that the national budget does not include specific budgetary allocations for the implementation of the Convention.

10. **The Committee recommends that the State party:**

(a) Provide, in its next periodic report to the Committee, specific information, in figures and percentages, on the national budget with regard to the implementation of the Convention;

(b) Adopt a child rights-based approach in the preparation of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget;

(c) Undertake impact assessments on how "the best interests of the child" are taken into consideration in relation to investments or budget cuts in any sector, and measure the impact of such investments or budget cuts on both girls and boys.

Coordination

11. The Committee is concerned about the remaining disparities regarding the implementation of the Convention in the municipalities, counties and regions, which lead to inequitable access to support and services for children.

12. **The Committee recommends that the State party establish a high-level mechanism with a clear mandate and the authority to ensure equal access to all rights at the regional and local levels, and provide the necessary human, technical and financial resources for its effective operation.**

Independent monitoring

13. The Committee reiterates its appreciation for the many activities undertaken by the Children's Ombudsman for the implementation of children's rights (see CRC/C/SWE/CO/4, para. 15), but also reiterates its concern that the office cannot receive individual complaints from children, or on behalf of children.

14. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party take all appropriate measures to provide the Ombudsman with the mandate and appropriate resources to receive, investigate and address complaints by children in a child-sensitive manner, safeguard the privacy and protection of victims, and undertake monitoring, follow-up and verification activities for victims. The Committee also recommends that the State party reinforce the independence of the Ombudsman.**

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

15. The Committee commends the State party for its efforts in addressing various forms of discrimination, including its comprehensive anti-discrimination legislation, the long-term strategy to promote equal rights and opportunities regardless of sexual orientation, gender identity or gender expression, and the Commission against Anti-Gypsyism. The Committee is concerned however that:

(a) Certain groups of children continue to face discrimination, in particular children from disadvantaged and marginalized families and children of migrant families, including African and Afro-Swedish children;

(b) The term "race" has been deleted in the new Anti-Discrimination Act and the Instrument of Government, and that there are no explicit legal provisions declaring illegal and prohibiting organizations promoting and inciting racial hatred, as previously pointed out by the Committee on the Elimination of Racial Discrimination (CERD/C/SWE/CO/19-21, paras. 6 and 13);

(c) There are cases of Roma children being discriminated against by their schoolmates;

(d) There are cases of lesbian, gay, bisexual and transgender (LGBT) children experiencing bullying, intimidation and violence.

16. **The Committee encourages the State party to step up its efforts and strengthen its measures to combat effectively all forms of discrimination and to:**

(a) Amend its legislation to enforce the prohibition of discrimination associated with, inter alia, ethnicity and to declare illegal organizations promoting and inciting racial hatred;

(b) Place particular focus on preventive activities against discrimination and, where necessary, take affirmative action to protect children in vulnerable situations, including children from marginalized and disadvantaged families, with a migration background, and Roma and LGBT children;

(c) Undertake awareness-raising programmes, including campaigns specifically targeted at children, including adolescents, to eliminate all forms of discrimination.

Best interests of the child

17. While noting with appreciation that the right of the child to have his or her best interests taken into consideration is covered by certain laws, the Committee remains concerned that inadequate weight is given to that right, especially in asylum procedures where children are involved. The Committee is also concerned about:

(a) The lack of a mandatory child rights impact assessment regarding all measures that concern children;

(b) Insufficient training for relevant professionals on best interests determination.

18. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee reiterates its previous recommendations (CRC/C/SWE/CO/4, para. 28) that the State party strengthen its measures to raise awareness of the meaning and practical application of the principle of the best interests of the child, and ensure that article 3 of the Convention is duly reflected in its legislation and administrative measures. The Committee also recommends that the State party:**

(a) Undertake mandatory child rights impact assessments to determine the impact of any proposed policy, legislative, regulatory, budget, international cooperation or other administrative decision which affects children and their enjoyment of their rights;

(b) Ensure that the principle of the best interests of the child the basis of, and guides the process of, all decisions, especially in asylum cases involving children,

including by the provision of regular training to staff of the Migration Board and the social welfare authorities; and increase training on best interests determination.

Respect for the views of the child

19. The Committee, while noting as positive the measures under the Social Services Act and the Education Act to implement the right of the child to be heard, notes with concern that that right is insufficiently implemented in practice, in particular as concerns custody, residence and visitation, and social services investigations, or in the asylum procedure. The Committee is also concerned that under the Aliens Act (chapter 1, section 11), a child shall only be heard where it is not inappropriate.

20. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen that right in accordance with article 12 of the Convention and to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle. The Committee also calls upon the State party to take prompt legal measures to amend chapter 1, section 11, of the Aliens Act, abolish the exception of inappropriateness, and ensure that a child is heard whenever a decision affecting him or her is made.**

Right to life, survival and development

21. The Committee is concerned about the increasingly high rate of suicide among persons with disabilities, including children, in the State party, as previously pointed out by the Committee on the Rights of Persons with Disabilities (see CRPD/C/SWE/CO/1, para. 29).

22. **The Committee urges the State party to adopt all the necessary measures to prevent, identify and address the root causes of suicide in children with disabilities.**

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

Access to appropriate information

23. While noting with appreciation the measures taken by the State party to inform children and their parents on the use of information and communications technology (ICT), such as the "Digital Tourist" touring conference or the yearly "Safer Internet Day", the Committee is concerned that insufficient training is provided to pupils at schools and parents on the risks connected to the use of ICT.

24. **In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, the Committee recommends that the State party:**

(a) Increase its efforts to develop regulations to protect the privacy of children, and adequately train children, teachers and families on the safe use of ICT, in particular on how children can protect themselves from paedophiles, from being exposed to information and material harmful to their well-being, and from online bullying;

(b) Undertake awareness-raising among children on the severe effects online bullying can have on their peers;

(c) Strengthen the mechanisms for monitoring and prosecuting ICT-related violations of children rights.

D. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

25. The Committee is seriously concerned about the practice of solitary confinement of children in conflict with the law in remand prisons and police cells and about the large number of children in the latter, as well as about the coercive and involuntary treatments inflicted on children with disabilities in mental health-care settings, in particular the use of restraining straps or belts for up to two hours, and of seclusion.

26. **With reference to the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to:**

(a) Immediately remove all children from solitary confinement, and revise its legislation to prohibit the use of solitary confinement in all circumstances;

(b) Legally prohibit the use of straps or belts and of seclusion in mental health-care settings and in any other institution;

(c) Ensure that children in all care institutions have access to an independent complaints mechanism, that the conditions in such institutions are regularly and effectively monitored, and that reports of cruel, inhuman or degrading treatment of detained children are promptly and impartially investigated;

(d) Provide training to medical and non-medical staff on non-violent and non-coercive methods of care;

(e) Standardize the reporting mechanisms of the police concerning children detained in police cells.

Abuse and neglect

27. The Committee welcomes the appointment in 2012 of a national coordinator to combat domestic violence. The Committee is concerned however about the significant rise in child abuse, especially of children up to 6 years of age, and is disappointed that only a few reports of such abuse result in prosecution. Furthermore, the Committee notes with concern that:

(a) Child victims of abuse and neglect frequently experience difficulties in accessing rehabilitation services and mental health care, notably due to the lack of clarity as to the care chain in large parts of the State party;

(b) Personnel in schools and institutions are not properly trained to recognize the early signs of abuse and neglect, a situation which results in only a few cases being reported to social services.

28. **The Committee recommends that the State party take all the necessary measures to create a coherent and coordinated child protection system and to further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children, in order to encourage the reporting of cases of child abuse and violence against children, and to formulate a comprehensive strategy for preventing and combating child abuse and neglect, and:**

(a) To allocate adequate human, technical and financial resources for the implementation of long-term programmes to address the root causes of violence and abuse;

(b) To provide staff in schools and institutions with regular, ongoing training on how to detect and recognize signs of maltreatment of children;

(c) To encourage community-based programmes aimed at preventing and responding to domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members, and providing training and support to them;

(d) To establish a national database of all incidents of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(e) To ensure that children who have suffered violence and abuse have sufficient access to adequate physical and psychological care.

Sexual exploitation and abuse

29. The Committee appreciates the measures taken by the State party against sexual exploitation and abuse, and in particular that the scope of the crime of gross child sexual abuse has been broadened, the penalty increased and the period of limitation for child sexual exploitation extended. However, the Committee is concerned about the persistence of child prostitution and child pornography in the State party and about the lack of data on the sexual exploitation of children, including on children trafficked to and within the State party for sexual purposes, or sexually abused or exploited by Swedish nationals abroad.

30. **The Committee recommends that the State party step up its efforts to eliminate sexual exploitation and abuse and:**

(a) Establish a mechanism for the systematic collection of data disaggregated by age, sex, ethnic origin, national origin, geographical location and socioeconomic status;

(b) Increase the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against the Commercial Sexual Exploitation of Children.

Freedom of the child from all forms of violence

31. The Committee, while appreciating the measures undertaken by the State party to combat bullying, notes with concern that school action plans on bullying are reportedly rarely based on a survey of needs, that the number of pupils subjected to some form of harassment, including online bullying, by other pupils is increasing and that social media outlets are not sufficiently involved in combating bullying and harassment online.

32. **The Committee recommends that the State party step up its efforts to combat all forms of bullying and harassment, including online bullying and bullying by mobile telephone, and in particular:**

(a) Increase the involvement of social media outlets, improve the capacity of teachers and all professionals working in schools and of students to accept diversity at school and improve students' conflict resolution skills, and involve children in the initiatives aimed at eliminating bullying;

(b) Ensure that all schools carry out periodic surveys among students, staff and parents on their experiences in relation to bullying and harassment, and base their action plans for combating bullying on those surveys.

Helplines

33. The Committee notes with appreciation that many of the State party's municipalities have a 24-hour helpline staffed by qualified social workers, but that a significant number of municipalities only have the capacity to offer a helpline service during the day.

34. **The Committee encourages the State party to increase the allocation of human, technical and financial resources to helplines to provide a nationwide 24-hour service.**

E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Children deprived of a family environment

35. The Committee appreciates the various measures taken by the State party to facilitate contact between children and their incarcerated parents, including the setting up of visiting apartments in several prisons. The Committee is concerned, however, that the "principle of closeness", rather than being mandatory, is only one factor among others taken into consideration, which can mean children travelling long distances to visit their parents, with some families not being able to undertake such journeys owing to economic constraints. The Committee is also concerned that having to travel a long way does not automatically constitute a justification for extending the duration of visits in some prisons.

36. **The Committee recommends that the State party take all the necessary measures to enable children with parents in prison to maintain personal relations and direct contact with them, and systematically apply the principle of closeness. The Committee also encourages the State party to continue to increase child-friendly visiting facilities in prisons.**

37. The Committee is concerned at reported instances of arbitrary interference in the family life of Afro-Swedes and Africans and at the removal of children by social welfare authorities, as previously pointed out by the Working Group of Experts on People of African Descent after its visit to the State party.

38. **The Committee recommends that the State party fully regulate practices relating to the removal of children from their families and ensure that removal is always subject to thorough investigation, is in accordance with the best interests of the child and is used as a measure of last resort.**

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

39. While welcoming the new provision in Act No. 1993:387 regarding subsidies and services for certain disabled persons, which provides that a child with a disability shall have the opportunity to present his or her views about any action affecting him or her, the Committee is concerned that children with disabilities are not systematically heard with regard to issues that concern them, and lack opportunities to express themselves, as highlighted by the Committee on the Rights of Persons with Disabilities (see CRPD/C/SWE/CO/1, para. 19). The Committee is also concerned that:

(a) No separate statistics are kept on crimes against children with disabilities, and that children with disabilities are exposed to higher rates of violence than their non-disabled peers;

(b) Although the number of children having access to inclusive education is very high, the Education Act enables schools to deny a place to pupils with disabilities when taking the child would involve "significant organizational or financial difficulties", provided the municipality can offer an equivalent alternative;

(c) The Education Act provides that children with disabilities need to achieve the "minimum knowledge requirements";

(d) Parents and staff working with children with disabilities are insufficiently informed and trained on those children's special needs.

40. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and in particular to:**

(a) Ensure that existing safeguards for the right of children with disabilities to be consulted on all matters concerning them are effectively implemented;

(b) Collect data on children with disabilities who have become victims of crimes, and provide the Committee with information on its findings in its next report; conduct research and collect data and statistics on violence against children with disabilities; and reinforce its strategy and initiatives for the sensitization and training of parents and staff working with children, and for awareness-raising among the general public;

(c) Ensure that all children have access to schools without discrimination and, to that end, abolish the provision of the Education Act which makes the acceptance of a child with disabilities conditional upon certain factors, and allocate sufficient human, technical and financial support to ensure that no schools are confronted with organizational or financial constraints that hamper fully inclusive education;

(d) Take prompt legal measures and allocate all the necessary resources to ensure that every child with disabilities is given the opportunity and all the necessary assistance to reach the highest level of education possible given his or her individual capacities;

(e) Develop awareness-raising and education programmes for parents and teachers on how to recognize and address the special needs of children with disabilities.

Health and health services

41. While welcoming the provision of equitable health care for asylum-seeking children, the Committee is concerned that there continue to be considerable disparities in the physical and mental health of children from different economic backgrounds.

42. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party step up its efforts to improve the health status of children from disadvantaged and marginalized groups, and allocate sufficient financial, human and technical resources to guarantee their right to health, without discrimination.**

Mental health

43. The Committee notes with concern:

(a) The significant increase in the number of children diagnosed with so-called learning or behavioural disorders, in particular Attention Deficit/Hyperactivity Disorder (ADHD);

(b) The rise in the prescription of amphetamine and amphetamine-like psychostimulant drugs, mostly in the form of methylphenidate, without proper consideration as to their secondary effects, and the addiction resulting from taking such drugs.

44. **The Committee urges the State party to establish a system of independent expert monitoring of the diagnosis of ADHD and other behavioural specificities, and of the use of drug treatments for the children diagnosed; and to:**

(a) Undertake independent research into diagnosis methods used in the determination of child mental health problems;

(b) Ensure that appropriate and scientifically based psychological counselling and specialist support for children, their parents and teachers is given priority over the prescription of drugs in addressing ADHD and other behavioural specificities.

45. The Committee is concerned that, while the rates of mental health and psychosocial disorders are high among young people, school health services are inadequately resourced to address them in a timely and appropriate manner, and that access to school psychologists and the psychosocial support system involves a long waiting period.

46. **The Committee recommends that the State party increase the resources available for school health services, to ensure that children have access to, and receive appropriate, psychosocial and mental health support and psychiatric health care in a timely manner, as previously recommended by the Committee on the Rights of Persons with Disabilities (see CRPD/C/SWE/CO/1, para. 18).**

Standard of living

47. The Committee notes with concern that:

(a) A relatively large number of children are living in poverty;

(b) While children in situations of migration are subject to economic difficulties to a greater extent than children resident in the State party, the daily allowance for asylum-seekers remains low and has remained unchanged since 1994;

(c) Unlike the general child allowance, the child allowance for asylum-seeking families decreases for the third child and subsequent children;

(d) In 2013, hundreds of children were reportedly affected by eviction, particularly as a consequence of back rent being owed.

48. **The Committee recommends that the State party increase the allocation of human, technical and financial resources, and examine the root causes of poverty, with a view to strengthening the strategies and measures to:**

(a) Strengthen and increase programmes to support families in need, in particular single-parent families and those in difficult socioeconomic or other circumstances;

(b) Increase the daily allowance for asylum-seekers and take prompt legal measures to ensure that the allowance is not reduced for families with more than two children;

(c) Ensure that families are not forcibly relocated or evicted, and that the right of the child to adequate housing is always respected.

G. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)–(d), 38–39 and 40)

Asylum-seeking and refugee children

49. The Committee is concerned at reported cases of asylum-seeking children sent back to their country of origin in violation of the principle of non-refoulement. The Committee also notes with concern that:

(a) Unaccompanied and asylum-seeking children are at particular risk of sexual exploitation and/or abuse, and there are many cases of unaccompanied children disappearing every year, most of which are insufficiently investigated;

(b) Child-specific forms of persecution such as the risk of being subjected to forced labour, child marriage, trafficking, female genital mutilation or recruitment as child soldiers, are not explicitly mentioned in the Aliens Act as grounds for obtaining asylum;

(c) Children who have been placed in out-of-home care owing to neglect and/or domestic violence, may be deported together with their parents, in accordance with the Aliens Act;

(d) No time frame is set out in the Act on Guardians for Unaccompanied Children, section 3, which provides for the appointment of a guardian for the child "as soon as possible", leading in some cases to children waiting for several weeks before a guardian is appointed;

(e) Guardians are not always properly trained and not always accompanied by an interpreter when meeting the child;

(f) Reported cases of lengthy waiting periods being imposed on children until the determination of their asylum claim;

(g) Reports according to which many unaccompanied and asylum-seeking children are not provided with winter clothes, personal hygiene articles or school materials.

50. **The Committee urges the State party to take prompt measures to ensure that if children are to be returned to their country of origin, the principle of non-refoulement is always respected. Furthermore, the Committee recommends that the State party:**

(a) Investigate all cases of disappearance of unaccompanied children and take all the necessary measures to increase their protection;

(b) Amend the Aliens Act to explicitly include child-specific forms of persecution, such as the risk of becoming a victim of forced labour, child marriage, trafficking, female genital mutilation or being recruited as a child soldier, as grounds for obtaining asylum;

(c) Ensure that no child is deported with parents or guardians from whom he or she was taken away because he or she had suffered violence and/or abuse while in their care, and undertake a best interests determination for any decision concerning such a child;

(d) Require by law that each unaccompanied child is immediately appointed a guardian who is adequately trained and receives regular ongoing training, that the child has regular meetings with his or her guardian and that in the event of language problems an interpreter is appointed to enable effective communication between them;

(e) Expedite the processing of asylum applications and ensure that all asylum-seeking children are fully provided with basic necessities, in particular adequate clothing and personal hygiene articles, as well as all the necessary school materials.

Children in migration situations

51. The Committee notes with concern that children who are considered as being "in transit" face difficulties in accessing education and that the rate of school dropout is higher for children with a migration background.

52. **The Committee recommends that the State party amend its legislation to ensure that children considered as being "in transit" are provided with full access to education, take all the necessary measures to effectively reduce the dropout rates among such children and provide opportunities for those who have dropped out of school to re-access schooling.**

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

53. The Committee welcomes the adoption of the Act on criminal responsibility for genocide, crimes against humanity and war crimes of July 2014, establishing the recruitment and use of children under the age of 15 years in armed conflict as a war crime. The Committee remains concerned however that volunteers under the age of 18 taking part in the Total Defence-oriented youth activities of the voluntary defence organizations undergo firearms training. Furthermore, the Committee notes with concern that:

(a) Insufficient safeguards are in place to ensure that no arms are exported to countries where children are or might be recruited or used in hostilities;

(b) Mechanisms have not been established for the systematic collection of data on refugee, asylum-seeking and migrant children who have been recruited or used in hostilities abroad have not been established.

54. **The Committee reiterates its previous recommendations (CRC/C/OPAC/SWE/CO/1, para. 15) that the State party raise the minimum age of volunteers participating in firearms training provided by voluntary defence organizations, from 16 to 18 years in order to fully respect the spirit of the Optional Protocol and to provide full protection for children in all circumstances. It again recommends that the State party provide all voluntary defence organizations providing firearms and military-type training to persons under the age of 18 with adequate information and training on the Optional Protocol and other relevant international standards. The Committee also urges the State party to:**

(a) Completely prohibit the export of arms, including small arms and light weapons, when the final destination is a country where children are known to be, or may potentially be, recruited or used in hostilities;

(b) Systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who have been recruited or used in hostilities abroad.

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

55. The Committee, while welcoming the National Plan of Action 2014–2015 against Trafficking, Exploitation and Sexual Abuse of Children, and the Common Action Plan developed by the Border Control Police in Stockholm, reiterates its concern (see CRC/C/OPSC/SWE/CO/1) that:

(a) The State party's legislation fails to specifically define and prohibit all the offences set out in articles 1, 2 and 3 of the Optional Protocol and that the criminal code of the State party does not cover all the offences included in the Optional Protocol;

(b) The State party's jurisprudence and legislation do not consistently provide adequate protection for child victims over the age of 15;

(c) Knowledge of how to identify and address risk factors related to the offences covered by the Optional Protocol, as well as on how and where to report and handle cases of such violations, including those involving foreign victims, remains slight among professionals working with or for children;

(d) The State party's declaration on article 2 (c) of the Optional Protocol, wherein it states that it interprets the words "any representation" in the article as merely pertaining to "visual representation" of child pornography, hinders the full implementation of the Optional Protocol for dealing with all forms of child pornography.

56. **The Committee urges the State party to take all the necessary measures to bring its penal law fully into compliance with the provisions of the Optional Protocol, including by:**

(a) Criminalizing all the offences referred to in articles 1, 2 and 3 of the Optional Protocol, and all forms of child pornography, as previously recommended, and making sexual exploitation punishable with sanctions commensurate to the gravity of the crime;

(b) Providing all victims of child abuse, including those over the age of 15 years, with adequate legal protection;

(c) Reconsidering its evaluation of the purchase of a sexual act of a minor and the exploitation of children for sexual purposes as "less serious sexual offences against children" and removing the requirement of double criminality for extradition in cases where such offences are committed outside its territory;

(d) Providing systematic training on the Optional Protocol for all professionals working with and for children;

(e) Withdrawing its declaration on article 2 (c) of the Optional Protocol.

Administration of juvenile justice

57. The Committee, while recognizing the efforts made to guarantee the rights of children in conflict with the law, is concerned that:

(a) Children deprived of their liberty are not always informed of their rights and the reasons for restrictions being imposed on them, nor afforded all fundamental legal safeguards from the very outset of deprivation of liberty, such as the right to access to a lawyer, the right to an independent medical examination and the right to notify a relative or a person of their choice, as previously pointed out by the Committee against Torture (CAT/C/SWE/CO/6-7, para. 7);

(b) Children continue to be subjected to pretrial detention, with insufficient efforts being made to find alternatives to detention, and that there is a lack of general and formalized routines for handling children in pretrial detention, as raised in the 2013 Annual Report of the Swedish Ombudsman for Children;

(c) The length of the deprivation of liberty, including pretrial detention, is not regulated by law;

(d) There are disparities among remand prisons regarding access to education.

58. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to continue to bring its juvenile justice system fully into line with the Convention and other international standards. In particular, the Committee urges the State party to:**

(a) Ensure that children who are detained have the reasons for their detention and their rights explained to them immediately in a manner that is understandable to them. , in particular the right to have immediate access to a lawyer, the right to a medical examination by an independent doctor, preferably of their own choice, and the right to notify a relative, and consular authorities if appropriate, and also ensure that no statement given in the absence of a legal advisor may be used during legal proceedings;

(b) Promote alternative measures to custody and detention, and ensure that detention, including custody and pretrial detention, is used as a last resort, for the shortest possible period, and that it is reviewed by a judge on a regular basis with a view to its being terminated;

(c) Incorporate a maximum duration of deprivation of liberty in all settings into all relevant legislation;

(d) Ensure that all children in detention have an equal statutory right to education.

Child victims and witnesses of crimes

59. The Committee is concerned that, although children who have witnessed violence and other forms of abuse in close relationships have the status of a victim of crime, they do not have the status of aggrieved party in the legal process, which means that they are not offered their own aggrieved party counsel, cannot be heard by the police without the permission of a guardian and face difficulties in receiving compensation. Furthermore, the Committee notes with concern that many legal proceedings which involve child victims are protracted.

60. **The Committee recommends that the State party require that the best interests of the child be a primary consideration in the treatment afforded by the criminal justice system to child victims and witnesses and:**

(a) Provide appropriate support services to child victims and witnesses throughout the legal proceedings, together with legal representation, information and access to compensation for damages, and grant children entitlement to the status of aggrieved party in the legal proceedings;

(b) Take all the necessary measures to prevent the protraction of processes involving child victims.

H. Ratification of the Optional Protocol on a communications procedure

61. **The Committee recommends that the State party, in order to further the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

I. Ratification of international human rights instruments

62. **The Committee recommends that the State party, in order to further the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

J. Cooperation with regional bodies

63. **The Committee appreciates the cooperation of the State party with the Council of Europe and the European Union and recommends that the State party continue to cooperate with the Council of Europe on the implementation of children's rights, both in the State party and in other Council of Europe member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

64. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.**

B. Next report

65. **The Committee invites the State party to submit its combined sixth and seventh periodic reports by 1 March 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

66. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document**

and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).